

REMARKS/ARGUMENTS

Claims 1-20 are pending in the application. Claims 1-7 and 10-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,296,114 to Manz (hereinafter "Manz"). Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manz. Claims 8, 9, 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

First, Applicant gratefully acknowledges the Examiner's indication of allowability of claims 8, 9, 17-19. Applicant also gratefully acknowledges withdrawal of objections to the drawings; rejection of claim 4 under 35 U.S.C. 112, second paragraph; and rejections of claims 1-20 under 35 U.S.C. 103(a) over Zanzucchi in view of Roach. It is Applicant's belief that claim 18 is marked erroneously as rejected in the "Disposition of Claims" section, on the Office action summary sheet. Claim 18 depends on the objected claim 17, and is objected to by the Examiner in the "Response to Arguments" section (page 7, paragraph 11). Correction is therefore respectfully requested.

Claims 1-7 and 10-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Manz. The Examiner has maintained the rejection of claims 1 and 10 and has further rejected claims 2-7 and 11-16, in the current Office action. These rejections are respectfully traversed.

In maintaining the rejection of claims 1 and 10, the Examiner states that every feature claimed by the Applicant has been identified in Manz's disclosure. The Examiner

has invited the Applicant to specifically indicate which claimed feature(s) is not disclosed by Manz or has been incorrectly identified in the rejection as being taught by Manz.

In maintaining the rejection to claims 1 and 10, the Examiner states, "Manz teaches a shaped microfabricated capillary array electrophoresis chip ... comprising a planar substrate ... having a first major surface defining converging first and second elongate separate channels, wherein each separation channel section extends between an associated cathode port and an anode port defined by the first major surface." The Examiner continues, "the substrate further comprises a first perimetrical edge segment extending substantially along the first separation channel section; and a second perimetrical edge segment extending substantially along the second separation channel section." The Examiner further states, "Manz teaches that the chip does not have to be rectangular; he teaches a general n-sided figure, which preferably has at least three sides."

Applicant respectfully submits that the shaped microfabricated capillary array electrophoresis chip of Manz does not teach each and every feature of claim 1 of the instant application. Manz discloses an electrophoresis chip comprising a channel in the form of an n-side closed loop, with a channel section on each side (the Abstract; Figures 1, 3-8; and col. 6 ll.38-42). The Examiner has incorrectly identified the channel sections of Manz as the same as the channels in claim 1 of the current application. The channel sections of Manz are markedly different from the separation channels of claim 1 of the current application. Each of the separation channels in the current application is fully capable of electrophoretic separation of a sample. The channel sections of Manz, on the

other hand, are part of a closed loop channel, and separation of a sample is achieved by the movement of the carrier medium and the sample along the substantially closed separating path formed by the channel which is constructed in the form of a closed loop (Abstract). Because Manz does not teach a converging first and second elongate separation channels, each capable of separating a sample and extends between an associated cathode port and an anode port, Applicant submits that claim 1 and claim 10 are not anticipated by Manz.

Because claims 1 and 10 are not anticipated by Manz, claims 2-7 and 11-16, which depends on claims 1 and 10, respectively, are not anticipated by Manz. Applicant submits that the Examiner's rejections cannot be sustained and respectfully requests their withdrawal.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Manz. The Examiner rejected this claim largely by the same reason as for the rejection of claims 1 and 10, while stating that the inclusion of a second chip would be obvious. Applicant respectfully disagrees. Evidence and arguments provided above clearly show that the chip of the current invention can not be anticipated by Manz. Therefore, Applicant respectfully submits that the Examiner's rejection of claim 20 cannot be sustained and respectfully requests its withdrawal.

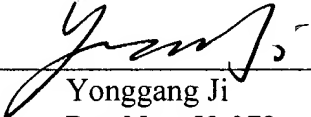
In view of the remarks hereinabove, Applicant respectfully submits that claims 1-20 of the present application are in condition for allowance. Early and favorable action thereon is respectfully requested.

The Examiner has not indicated if the current Office action is final. It is Applicant's understanding that the Office action is non-final (MPEP 706.07(a)).

Any questions with respect to the foregoing may be directed to Applicant's undersigned agent at the telephone number listed below.

Respectfully submitted,

AMERSHAM BIOSCIENCES CORP

By: 
Yonggang Ji
Reg No.: 53,073
Agent for Applicants

Amersham Biosciences Corp
800 Centennial Avenue
P. O. Box 1327
Piscataway, New Jersey 08855-1327

Tel: (732) 980-2875
Fax: (732) 457-8463

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 20, 2004.

Signature: 

Name: Melissa Leck